

Jack P. Burden, Esq.
Nevada State Bar No. 6918
Jacquelyn Franco, Esq.
Nevada State Bar No. 13484
BACKUS, CARRANZA & BURDEN
3050 South Durango Drive
Las Vegas, NV 89117
T: (702) 872-5555
F: (702) 872-5545
jburden@backuslaw.com
jacquelynfranco@backuslaw.com
Attorneys for Defendant *Albertson's LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR SANCHEZ,

Plaintiff,

VS.

ALBERTSON'S LLC,

Defendant.

Case No. 2:19-cv- 02017-JAD-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

In accordance with Local Rules of Practice for the United States District Court for the District of Nevada (“LR”) 26-4, Defendant Albertson’s LLC (“Defendant”), by and through its counsel of record, the law firm of BACKUS, CARRANZA & BURDEN, and Plaintiff Victor Sanchez (“Plaintiff”), by and through his counsel of record, THE SCHNITZER LAW FIRM, hereby stipulate and agree to an extension of all remaining discovery deadlines by sixty (60) days. The parties propose the following revised discovery plan (***new information in bold italics***):

DISCOVERY COMPLETED TO DATE

- Plaintiff has disclosed its Initial FRCP 26 Disclosure with seven supplements thereto;
- Defendant has disclosed its Initial FRCP 26 Disclosure with seven supplements thereto;
- Plaintiff has propounded written discovery, which Defendant responded;
- Defendant has propounded written discovery, which Plaintiff responded;

- 1 • Plaintiff has disclosed 30 treating and retained experts;
- 2 • Defendant has disclosed 3 initial experts and 2 rebuttal experts;
- 3 • Plaintiff's deposition was taken June 4, 2020;
- 4 • Plaintiff's retained expert Luis Rosa's deposition was taken February 22, 2021;
- 5 • ***Defendant's retained expert James Forage, MD's deposition was taken March 9,***
6 ***2021;***
- 7 • ***Plaintiff's medical provider Eric Brimhall, MD's deposition was taken March 10,***
8 ***2021;***
- 9 • ***Defendant's retained expert Wei Chao's deposition was taken on March 18, 2021;***
- 10 • ***Defendant's retained expert Kenneth Solomon's deposition was taken March 18,***
11 ***2021;***
- 12 • ***Plaintiff's medical and retained expert Stuart Kaplan, MD's deposition was taken on***
13 ***March 29, 2021;***
- 14 • ***Defendant's FRCP 30(b)(6) deponent was taken April 2, 2021;***
- 15 • ***Plaintiff's medical provider Michael Elliott, MD's deposition was taken April 5,***
16 ***2021;***
- 17 • ***Plaintiff's medical provider Katherine Travincek, MD's deposition was taken April***
18 ***6, 2021;***
- 19 • ***Plaintiff's medical provider Janet Baumann, PhD's deposition was taken April 7,***
20 ***2021 (continued deposition date to be scheduled);***
- 21 • ***Plaintiff's medical provider Stephen Gephardt, MD's deposition was taken April 29,***
22 ***2021;***
- 23 • ***Plaintiff's medical provider Russell Shah, MD's deposition was taken May 3, 2021;***
24 ***and***
- 25

- *Defendant has subpoenaed medical records from:*
 - *CVS Pharmacy*
 - *Walgreens Pharmacy*
 - *Walmart Pharmacy*
 - *Desert Orthopedic*

DISCOVERY TO BE COMPLETED

- *Identification of unknown therapists discovered during deposition;*
- *Supplemented Responses to Defendant's Second Set of Requests for Production;*
- Defendant intends to depose Plaintiff's medical providers, including:
 - Enrico Fazzini, DO – **TBD**
 - Jawinder Grover, MD – **May 5, 2021**
 - Paul Janda, DO – **May 10, 2021**
 - Cheree Johnson, DC – **TBD**
 - David Bowden, MD - **TBD**
 - Janet Baumann, PhD – **June 3, 2021**
 - ***Scott Aurebach, PT - TBD***
 - ***Richard Newman, MD – TBD***
- Defendant intends to depose Plaintiff's retained experts, including:
 - Deborah Pearlman, RN, CRRN/ABSNC – **May 12, 2021**
- Defendant reserves the right to depose Plaintiff's percipient witnesses, including:
 - Carrie Comrie
 - David Lack
 - Michael Escobedo
 - Celia Reynolds

- Gurbinder Singh
- Vincent Altamura
- Plaintiff intends to depose Defendant's initial experts, including:
 - David Ginsburg, MD
- Plaintiff intends to depose Defendant's rebuttal experts, including:
 - Elizabeth Davis, Ph.D., RN, CCRN, CLCP, CRC, IPEC
 - Thomas Carroll, Ph.D.
- The Parties have agreed to allow more than 10 deposition to go forward.
- In the event additional discovery arises from any of the afore-mentioned depositions, the Parties will meet and confer in good faith to facilitate the same.

REASONS FOR EXTENSION TO COMPETE DISCOVERY

This request is three-fold. First, the onset of the Covid-19 pandemic has made conducting depositions – especially depositions of physicians, many of whom have an understandably increased workflow and decreased availability – and other discovery-related tasks more difficult. Second, a discovery dispute has arisen regarding Plaintiff’s undisclosed medical providers. Lastly, a discovery dispute has arisen regarding Plaintiff’s incomplete discovery responses regarding social media account(s) and communication with witnesses. The Parties are attempting to resolve the discovery disputes without court intervention. As a result, the Parties seek the 60-day extension of time to allow the scheduling and completion of crucial depositions and hopeful resolution of the discovery disputes. This request is made in good faith, not for the purpose of delay.

PROPOSED NEW DISCOVERY DEADLINES

Initial Expert Disclosure:

Currently: *Closed*

Proposed: *Closed*

1 **Rebuttal Expert Disclosure:**

2 Currently: *Closed*

3 **Proposed:** *Closed*

4 **Discovery Cutoff:**

5 Currently: June 17, 2021

6 **Proposed:** **August 16, 2021**

7 **Dispositive Motions:**

8 Currently: July 19, 2021

9 **Proposed:** **September 17, 2017**

10 **Pretrial Order:**

11 Currently: June 16, 2021, or 30 days after resolution of dispositive

12 motions per Local Rule 26-1(b)(5)

13 **Proposed:** **October 18, 2021, or 30 days after resolution of dispositive**
14 **motions per Local Rule 26-1(b)(5)**

15 DATED: May 4, 2021

16 **BACKUS, CARRANZA & BURDEN**

15 DATED: May 4, 2021

16 **THE SCHNITZER LAW FIRM**

17 _____
18 */s/ Jacquelyn Franco*

19 Jack P. Burden, Esq.

20 Jacquelyn Franco, Esq.

21 3050 South Durango Drive

22 Las Vegas, NV 89117

23 Attorneys for Defendant

24 *Albertson's LLC*

17 _____
18 */s/ Jordan Schnitzer*

19 Jordan P. Schnitzer, Esq.

20 9205 W. Russell Rd. Suite 240

21 Las Vegas, NV 89148

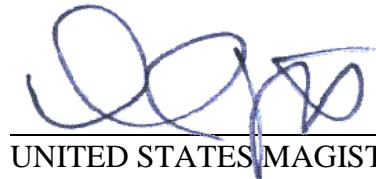
22 Attorneys for Plaintiff

23 *Victor Sanchez*

22 **ORDER**

23 IT IS SO ORDERED.

24 DATED: 5/17/2021



25 UNITED STATES MAGISTRATE JUDGE